

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN CASTILLO, #770013,

§

Plaintiff,

§

SA-24-CV-01136-XR

v.

SHERIFF JAVIER SALAZAR,

§

Defendant.

§

ORDER

Before the Court is *pro se* Plaintiff John Castillo’s motion to appoint counsel. (ECF No. 6). Upon review, Castillo’s motion is **DENIED**. (*Id.*).

APPLICABLE LAW

Courts may appoint counsel for *in forma pauperis* proceedings. 28 U.S.C. § 1915(e)(1). There is no automatic right to appointment of counsel in a civil rights case. *Baranowski v. Hart*, 486 F.3d 112, 126 (5th Cir. 2007). Federal courts have considerable discretion in determining whether counsel should be appointed. *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982). In evaluating whether the appointment of counsel is appropriate, “the district court considers the type and complexity of the case, the litigant’s ability to investigate and present the case, and the level of skill required to present the evidence.” *Baranowski*, 486 F.3d at 126. The Court need not appoint counsel unless the case presents exceptional circumstances that are dependent on the type and complexity of the case and the abilities of the individual pursuing the case. *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987).

APPLICATION

Castillo requests appointment of counsel based solely on his alleged indigence and lack of education. (ECF No. 6). He provides no other basis for his request. (*Id.*). Accordingly, the Court finds Castillo has not demonstrated exceptional circumstances exist that would warrant appointment of counsel at this time. *See id.* The bases provided by Castillo are common to many inmates and are not exceptional. Should circumstances change as this litigation proceeds, Castillo may renew his motion for appointment of counsel. The Court may also consider appointing counsel on its own motion.

IT IS THEREFORE ORDERED that Castillo's motion to appoint counsel (ECF No. 6) is **DENIED**.

It is so **ORDERED**.

SIGNED this 1st day of November, 2024.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE